

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

August 15, 2008

TO: Gary Sasse, Director

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday , August 14, 2008. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations and Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., Dennis Gerstmeyer and James Botvin

Absent: Thomas Ricci

Cpl. David Doucet of the Rhode Island State Police.

MEETING OF AUGUST 14, 2008 AT 9:00 AM

**DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE JULY 24,
2008 BOARD HEARING.**

The minutes have been reviewed and accepted by the Board.

**2. BALD HILL KIA (Robert H. Petrarca, Pres.)
FRANCHISE ADDITION – CASE #KR-08-166
NEW KIA MOTOR VEHICLES AND USED MOTOR VEHICLES
AT 1021-1035 BALD HILL ROAD, WARWICK, RI 02886**

**Decision: The franchise addition has been approved subject to the
dealer supplying a copy of the dealer agreement to the Dealers'
License and Regulations Board. The protest from Metro Kia was
withdrawn on July 3, 2008.**

**3. JOHN TRAFFORD (Arthur M. Read II, Esq.) V. BAILEY'S MOTOR
SALES, INC. (Maureen Bailey, Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE #DS-07-004
1ST RESCHEDULED HEARING.**

This Case# DS-07-004 has been combined with Case# DS-07-027 item

four (4) on the agenda.

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POSTING AGENDA

HEARINGS SCHEDULED

**4. JOHN T. TRAFFORD (Arthur M. Read II, Esq.) V. BALD HILL
SUBARU-DODGE CHRYSLER (Robert Petrarca, Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE #DS-07-027
1ST RESCHEDULED HEARING**

**Decision: The Board has determined that no Rules and Regulations
or RI General Laws have been violated by Bailey's Motor Sales, Inc or
Bald Hill Subaru-Dodge Chrysler based on the testimony and
documents therefore this complaint has been dismissed.**

**5. KAREN CIPRIANO V. BALD HILL SUBARU-DODGE-CHRYSLER
(Robert Petrarca, Pres.)
COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-119**

**Decision: The complainant has been advised that the Board does not
have jurisdiction to decide a criminal case and that she should**

pursue this matter with her local law enforcement agency.

6. FOGARTY MOTORS (John Fogarty, Owner)

SHOW CAUSE HEARING –CASE #DS-08- 123

MIS-USE OF DEALER PLATE.

Decision: The Board has requested that Forgarty Motors supply the Dealers' License and Regulations Office with copies of all bills of sales for the past three years. The dealer plate in question, 456B, will be retained by the Dealers' License and Regulations Office until a review of vehicles sale can be completed and a decision can be made on the question of the return or retention of the dealer plate.

The Board has determined the Fogarty Motors is in violation of the following RI General Laws and is required to pay the amounts indicated below to the Dealers' License and Regulations Office with in 10 days of receiving the written decision.

Fine: \$100.00: RIGL§ 31-3-20: misuse of dealer plates as a result of allowing a non-employee drive a vehicle with dealer plates affixed to it and RIGL§ 31-5-11 (10) for unconscionable practices relating to business as a motor vehicle dealer.

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POSTING AGENDA

HEARINGS SCHEDULED

7. VALERIE VALERIO V. GIOVANNI'S AUTO SALES, INC. (Anthony Rotelli, Pres.)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-125

The complaint has been settled between Valerie Valerio and Giovanni's Auto Sales, Inc.

Decision: The Board has determined that the owner of the dealership must be summoned to appear before the board to respond to violations by the dealership which were discovered during the investigation of this case and not addressed during this hearing.

8. MELBA RODRIGUEZ V. ATLANTIC AUTOCENTER, LLC (Charles Russo, Member)

COMPLAINT / SHOW CAUSE HEARING – CASE #KR-08-154

Postponed at the request of Stephen Ucci, Esq. attorney for Atlantic Autocenter, LLC.

9. MISCELLANEOUS:

**LETTER FROM ROBERT G. PETRARCA, PRESIDENT OF BALD HILL
SUBARU-DODGE-CHRYSLER.**

**Decision: The Board has accepted the letter provided by Robert G.
Petrarca.**

Walter Craddock, Esq. Chairman

Cc: Sally R. Strachan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File